

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ACADIA INSURANCE COMPANY, as :
Subrogee of St. Paul Street, LLC :
1 Acadia Commons :
Westbrook, ME 04908 :

Plaintiff

v.

NER CONSTRUCTION MGMT. , INC. :
867 Woburn Street :
Wilmington, MA 01887 :

CIVIL ACTION NO.
04-12557-WGY

AFFIDAVIT OF PATRICK J. LOFTUS, III

Patrick J. Loftus, III, Jr., Esquire, being duly sworn, deposes and says as follows:

1. I am an attorney duly licensed to practice law in the State of Massachusetts, and an attorney for the Plaintiff, Acadia Insurance Company, in the above-entitled action.
2. I am fully familiar with the facts and circumstances as hereinafter set forth, and make this Affidavit in support of the Plaintiff's motion to have Robert M. Caplan, Esquire admitted of counsel, *Pro Hac Vice*, with respect to the above-entitled action.
3. The affiant has been acting as local counsel with respect to this matter, and respectfully requests that the Court allow Robert M. Caplan, Esquire to be admitted *Pro Hac Vice* for purposes of serving as counsel for Plaintiff,
4. The affiant has known Mr. Caplan, Esquire to be an excellent attorney who has a great deal of experience with respect to the issues being presented in the present lawsuit and is a member in good standing of the Bar of the Commonwealth of Pennsylvania. Pennsylvania is a state which allows similar admission privileges to attorneys in good standing in Massachusetts.
5. The affiant respectfully submits to the Court that Mr. Caplan is not only an excellent attorney, but is a person of unimpeachable character who would do justice to both his client and the Bar. The Court is respectfully referred to the attached Affidavit regarding Mr. Caplan's qualifications with the respect to the subject claims.
6. The affiant respectfully requests that Robert M. Caplan, Esquire be admitted *Pro Hac Vice* in the above-entitled action to serve as counsel with respect to the subject claims.

WHEREFORE, Patrick J. Loftus, III, Esquire respectfully requests that the Court grant an Order allowing the admission, *Pro Hac Vice*, of Robert M Caplan, Esquire to the United States District Court for the District of Massachusetts and to practice with respect to the above-captioned action, together with such other and further relief as the Court may deem just and proper.

BY: 

PATRICK J. LOFTUS, III ESQUIRE

BBO# 303310

9 Park Street, Suite 500

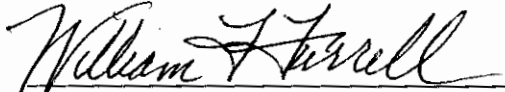
Boston, MA 02108

(617) 723-7770

ATTORNEY FOR PLAINTIFF

Sworn to before me on this

13th day of July, 2005.



Notary Public

7/16/2009